

AMENDED IN SENATE JUNE 16, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2078

Introduced by Assembly Member Charles Calderon

February 18, 2010

An act to *amend Section 7055 of, and to add Section 6208 to, the Revenue and Taxation Code, relating to taxation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2078, as amended, Charles Calderon. Use tax: ~~retailers engaged in business in this state: notification to purchasers:~~ *purchasers: information report.*

The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state of, or, and on the storage, use, or other consumption in this state of, tangible personal property purchased from a retailer for storage, use, or other consumption in this state. That law requires every retailer engaged in business in this state, as specified, and making sales of tangible personal property for storage, use, or other consumption in this state to, at the time of making the sales or, if the storage, use, or other consumption of the tangible personal property is not then taxable, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser.

This bill would require each retailer that is not required to collect use tax to provide notification on its retail Internet Web site or catalogue that tax is imposed on the storage, use, or other consumption in this

state of the tangible personal property purchased from the retailer that is not exempt, and is required to be paid by the purchaser, as provided.

The Sales and Use Tax Law also authorizes, in administration of the use tax, the State Board of Equalization to require the filing of reports by any person or class of persons having in its or their possession or custody information relating to sales of tangible personal property the storage, use, or other consumption of which is subject to the tax.

This bill would require every person not required to register with the board that sells tangible personal property the storage, use, or other consumption of which is subject to use tax to file a report with the board regarding those sales, as specified. This requirement would not apply to persons whose receipts from those sales do not exceed a specified amount.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6208 is added to the Revenue and
2 Taxation Code, to read:

3 6208. Each retailer making sales of tangible personal property,
4 the storage, use, or other consumption of which is subject to tax,
5 that is not required to collect use tax shall provide notification on
6 its retail Internet Web site or retail catalogue that tax is imposed
7 by this part on the storage, use, or other consumption in this state
8 of the tangible personal property purchased from the retailer that
9 is not exempt, and is required to be paid by the purchaser. The
10 notification shall be readily visible.

11 SEC. 2. Section 7055 of the Revenue and Taxation Code is
12 amended to read:

13 7055. (a) In administration of the use tax the board may require
14 the filing of reports by any person or class of persons having in
15 ~~his~~ its or their possession or custody information relating to sales
16 of tangible personal property the storage, use, or other consumption
17 of which is subject to the tax. The reports shall be filed when the
18 board requires and shall set forth the names and addresses of
19 purchasers of the tangible personal property, the sales price of the
20 property, the date of sale, and such other information as the board
21 may require.

1 ***(b) (1) Every person that is not registered with the board that***
2 ***sells tangible personal property the storage, use, or other***
3 ***consumption of which is subject to use tax, shall file with the board,***
4 ***on or before the last day of the calendar month following each***
5 ***quarterly period, a report that sets forth the names and addresses***
6 ***of purchasers of the tangible personal property, the sales price of***
7 ***the property, the date of sale, and such other information as the***
8 ***board may require.***

9 ***(2) Paragraph (1) shall not apply to a person whose receipts***
10 ***from sales described in paragraph (1) are less than one hundred***
11 ***thousand dollars (\$100,000) in the prior year, and are reasonably***
12 ***expected to be less than one hundred thousand dollars (\$100,000)***
13 ***in the current year.***